

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 7, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, December 7, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, James S. Burgett, and Thomas G. Shepperd, Jr.

Walter C. Zaremba and Kenneth L. Bowman were absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Kristen Ashby, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Mr. Chris Rhodes, Chairman of the York County Youth Commission, made the second quarterly report of the York County Youth Commission. He stated that on Yorktown Day the Commission assisted with handing out flags. On October 30 they worked on the Adopt-a-Highway Program on Goodwin Neck Road. He noted that Youth Week was a big success. The youth speaker this year was Mr. Danny Holland, a York County resident and school resource officer with the Poquoson Police Department. From November 29 through December 3 the Commission conducted the Town Hall Meeting Program that was held at each high school. At this time the students met face-to-face with members of the School Board, the Board of Supervisors, and school administration with constructive dialog. He stated it was very informative, and the Commission plans to continue the program in the future. Mr. Rhodes noted the Commission assisted with the Holiday Tree Lighting ceremony, and again this year the Youth Commission and Parks and Recreation is sponsoring a County-wide ski trip to Wintergreen.

Chairman Shepperd noted how much he enjoyed the Town Hall Meetings this year. He stated the students were very charged up and enthusiastic.

Mrs. Noll stated she, Mr. Burgett, and Mr. Minter were together at one of the Town Hall meetings and were having such a good time, the time just got away from them. She indicated if the three of them failed to answer any questions fully at the meeting they attended, the students could contact them by email or phone.

CITIZENS COMMENT PERIOD

Mrs. Addie Jeanette Carter, 819 Baptist Road, asked the Board for its help with getting a tree taken down that soon will fall in a ditch by her house. She noted she and Joe Best are not able to get out there and do it, and they need help from the State highway department. She also asked about the easement they gave for a road, asking if it gives other taxpayers the right to throw their trash in the easement. Mrs. Carter stated people have told her the state highway department had said they could.

Chairman Shepperd indicated the staff would look into Mrs. Carter's requests and contact her.

Mr. Walt Akers, representing the Fifes and Drums of Yorktown, noted the Corp has received tremendous support from the County and its citizens, and he provided the Board with a report on its activities during the past year that included 116 performances and 7,000 hours of volunteer time. None of the Corps' accomplishments this year would have been possible without the support of the Board, and he presented the Board members with copies of the Corps CD for 2004. Mr. Akers state that as the 2005 season comes near, they are planning for a big change. He stated every performance will be led by a youth member. The energy and enthusiasm they bring will provide everyone with an exciting and dynamic year. Mr. Akers wished the Board a very Merry Christmas and Happy New Year.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated he would try to get a scooter ordinance to the Board with the one change he sent the members by email today. He noted it would be advertised for the second regular Board meeting in January.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated that a week from tonight the Board would conduct a work session at 6:00 p.m. with the Chairpersons of York County's Boards and Commissions. He stated the last regular meeting of the year will be held on December 21 which will be preceded by a work session at 5:30 in East Room. Mr. McReynolds pointed out that the first meeting of next year will be held on January 4 which is typically the Board's organizational meeting when it adopts its Rules of Procedure and elects officers for the calendar year. He noted he had provided the Board members with a copy of the current Rules and asked that they provide staff with any recommended changes by December 21 for incorporation in the January 4 agenda package for delivery on December 23.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll welcomed the new Superintendent of the National Park Service, Dan Smith, to Yorktown. She noted he and his wife Karen attended the Tree Lighting Ceremony, and he is already getting his feet wet. Mrs. Noll then reminded everyone that today is Pearl Harbor Day and stated everyone owes those who served in World War II a debt of gratitude.

Mr. Burgett spoke concerning the Town Hall Meeting he attended, stating the students really asked some good questions. He expressed his appreciation to those who make the program possible. He then noted the Tree Lighting Ceremony was superbly done and was an enjoyable evening for everyone. Mr. Burgett then stated that not long ago he brought to the Board a complaint from his district concerning flight training missions being conducted at the airport, and a letter was forwarded to the Admiral, and the flights stopped. He indicated they have started again, and he stated he did not know what more the Board could do.

Chairman Shepperd stated he also enjoyed the Tree Lighting Ceremony, noting he feels it gives a sense of community. He also spoke of the Town Hall Meeting he attended, stating what impressed him most was the depth of the questions. They covered everything from sidewalks to speeding signs, and he stated he looks forward to next year. Mr. Shepperd noted he attended a meeting in Gloucester with the mayors and chairs and toured Gloucester's new library facility. He stated that next week he would be meeting with the City Council of Newport News in a work session concerning recreational fields. He and staff have talked to each of the council members individually, and he stated they seem receptive of the idea, but they have some concerns. Mr. Shepperd stated the work of the County's staff in prepping the issue between the two jurisdictions has been very well done, and he was very impressed. Mr. Shepperd then recognized members of Boy Scout Troop 81 visiting the meeting this evening in order to earn their Communications merit badge for citizenship in the community.

CONSENT CALENDAR

Mr. McReynolds asked that proposed Resolution R04-179 to authorize the execution of a tower sublease agreement with Nextel Communications for tower space on the York County/James City County communications tower located in the city of Poquoson, be added to the Consent Calendar.

A brief discussion took place concerning Item No. 4 concerning a tax refund.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, 5, and 6, respectively, to include the addition of proposed Resolution R04-179.

On roll call the vote was:

Yea: (3) Noll, Burgett, Shepperd
Nay: (0)

Thereupon, the following resolutions adopted:

Item No. 3. PURCHASE AUTHORIZATION: Resolution R04-175

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR THE PURCHASE OF LAND-
SCAPE ENHANCEMENT SERVICES ALONG ROUTE 17

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Landscape Enhancements: Rt. 17 Corridor – Phase III	\$80,891

Item No. 4. REFUND OF TAXES: Resolution R04-172

A RESOLUTION TO AUTHORIZE A TAX REFUND TO JANE VAN
BRIMER

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Jane Van Brimer has made a proper request for a tax refund for personal property taxes erroneously paid on property located in Gloucester County, Virginia; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of December, 2004, that the Treasurer is authorized to refund to Jane Van Brimer

personal property taxes in the amount of \$3,009.44, plus accrued interest in the amount of \$75.24, for a total refund of \$3,084.68.

Item No. 5. PUBLIC SEWER EXTENSION AGREEMENT—CLEARWATER COVE: Resolution R04-168

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS CLEARWATER COVE, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Greenfield Homes Corporation has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve twelve new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$26,400; and

WHEREAS, in accordance with the terms of Section 1-H(4)(b) of the York County Sanitary Sewer Standards and Specifications, the total vacuum system inspection and maintenance fees to be paid to the County has been determined to be \$30,000;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Clearwater Cove, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Greenfield Homes Corporation for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 6. PUBLIC SEWER EXTENSION AGREEMENT—HAWKS LANDING: Resolution R04-169

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS HAWK'S LANDING, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Centex Homes has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve thirty-one new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

December 7, 2004

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$71,300;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Hawk's Landing, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Centex Homes for the proposed extension; such agreement to be approved as to form by the County Attorney.

SUBLEASE AGREEMENT WITH NEXTEL COMMUNICATIONS: Resolution R04-179 (Added to Consent Calendar)

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TOWER SUBLEASE AGREEMENT WITH NEXTEL COMMUNICATIONS FOR TOWER SPACE ON THE YORK COUNTY/ JAMES CITY COUNTY COMMUNICATIONS TOWER LOCATED IN THE CITY OF POQUOSON AT 300 CITY HALL AVENUE

WHEREAS, the County is in the process of constructing a radio telecommunications tower adjacent to Poquoson City Hall and has entered into a long term lease with the City of Poquoson for ground space surrounding the tower; and

WHEREAS, Nextel Communications (Nextel) desires to enter into a tower sublease agreement with the County in order to lease space on the tower together with property on the ground immediately adjacent to the tower for the purpose of constructing an equipment shed and related improvements; and

WHEREAS, the tower sublease would benefit the public through the realization of substantial contribution towards the cost of construction of the tower; and

WHEREAS, this Board has determined that the proposed sublease agreement will benefit the public;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of December, 2004, that the County Administrator be, and he hereby is, authorized to execute a tower sublease agreement with Nextel, such agreement to be approved as to form by the County Attorney, whereby the Board shall sublease to Nextel tower space together with approximately 300 square feet on the ground immediately adjacent to the tower for the erection thereon of an equipment shed and related improvements, such lease to be for an initial term of five (5) years, with automatic renewals for five (5) additional renewal periods of five (5) years each.

NEW BUSINESS

VMRC GRANT FUNDS

Mrs. Anne B. Smith, Director of Community Services, made a presentation on proposed Resolution R04-170 to accept and appropriate grant funds from the Virginia Saltwater Recreational Fishing Development Fund for the Smith Landing Waterfront Improvements Project. Totaling over \$.5 million, the grant is the largest grant in the Commonwealth for a public access project.

Chairman Shepperd indicated the County competed with 10 different projects, and there was a limited amount of funds. He stated the County staff filled every square, and that is why the grant was approved. He commended Anne Smith and Cheryl Sonderman and the rest of the staff for this award.

Mrs. Noll moved the adoption of proposed Resolution R04-170 that reads:

A RESOLUTION TO ACCEPT AND APPROPRIATE GRANT FUNDS
IN THE AMOUNT OF \$215,767 FROM THE VIRGINIA SALTWATER
RECREATIONAL FISHING DEVELOPMENT FUND FOR THE
SMITH LANDING WATERFRONT IMPROVEMENTS PROJECT AND
AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE
GRANT AGREEMENT

WHEREAS, the County is planning to renovate the Smith Landing facility in FY2005 and applied to the Virginia Marine Resources Commission (VMRC) for a grant to supplement the County funding budgeted for this project in the Capital Improvement Program; and

WHEREAS, the VMRC grant program provides funding for up to 75 percent of the project's estimated cost; and

WHEREAS, an initial grant of up to \$309,984 from the Virginia Saltwater Recreational Development Fund has already been awarded to the County by the VMRC to replace the boat launching ramps and courtesy docks; and

WHEREAS, an additional grant of \$215,767 from the VMRC to cover the estimated cost to replace the fishing pier and make improvements to the parking lot was awarded November 23, 2004; and

WHEREAS, the VMRC grant program requires the County to not only cover the entire cost of the project before being reimbursed with grant funds but also provide 25 percent of the project's cost as local matching funds; and

WHEREAS, the County has the required 25 percent matching funds in the FY2005 Capital Improvements Budget;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that the County Administrator be, and hereby is, authorized to accept and appropriate \$215,767 in grant funds from the Virginia Recreational Fishing Development Fund in support of the Smith Landing Waterfront Improvements Project.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute the grant agreement with the VMRC, subject to approval as to form by the County Attorney and to do all things necessary to implement this grant program.

On roll call the vote was:

Yea: (3) Burgett, Noll, Shepperd
Nay: (0)

LEGISLATIVE PROGRAM FOR 2005

December 7, 2004

Mr. Barnett made a presentation on the County's proposed 2005 Legislative Program, stating it was essentially the same as was reviewed at the Board's work session with the County's legislators with a little fine tuning.

Mrs. Noll asked that the approved program be placed on the County's website.

Mrs. Noll then moved the adoption of proposed Resolution R04-150 that reads:

A RESOLUTION APPROVING THE COUNTY'S 2005 LEGISLATIVE
PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2005 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that this Board hereby approves the County's 2005 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2005 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

On roll call the vote was:

Yea: (3) Noll, Burgett, Shepperd
Nay: (0)

PROCUREMENT OF ENHANCED 911 TELEPHONE EQUIPMENT

Mr. Stephen P. Kopczynski, Fire Chief, made a presentation on proposed Resolution R04-162 to authorize the purchase of replacement E911 equipment.

A discussion took place concerning the County's ability to route State Police 911 calls.

Mr. Burgett asked if the procurement was being done because it is a matter of functional failures or just trying to stay ahead of the curve.

Mr. Terry Hall, Telecommunications Manager, stated staff is trying to stay up with the curve, and this is the time to do it. He stated the agreement includes a 7-year maintenance contract.

Mr. McReynolds stated that one of the advantages of replacing the equipment at this time is that the County does not have to pay to move the old equipment, and that cost would be significant.

Mrs. Noll asked what would be done with the old equipment.

Mr. McReynolds indicated it would be sold, and there was a prospective buyer at this time.

Mrs. Noll then moved the adoption of proposed Resolution R04-162 that reads:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF REPLACEMENT E911 EQUIPMENT AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE-PURCHASE AGREEMENT FOR SUCH EQUIPMENT.

WHEREAS, York County's Enhanced 911 (E911) equipment has reached the end of its useful life; and

WHEREAS, York County and James City County are constructing a joint radio communications system which will interface very closely with the E911 replacement equipment; and

WHEREAS, a joint Request for Proposals for replacement E911 equipment was solicited, and, subsequently, all proposals received were evaluated by staff members from York and James City Counties; and

WHEREAS, York County and James City County staff negotiated a lease-purchase agreement with Motorola for the procurement and installation of equipment to provide Enhanced 911 services; and

WHEREAS, James City County has agreed to pay annual installments to York County in accordance with a fiscal agent agreement for operations of the communications system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of December, 2004, that the County Administrator be, and is hereby, authorized to conclude procurement arrangements for E911 telephone equipment.

BE IT FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to execute a lease-purchase agreement for E911 telephone equipment in an amount of approximately \$3,066,605 subject to approval as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that the County Administrator is hereby authorized to enter into a cost sharing agreement with James City County whereby James City County will reimburse York County in the amount of \$1,508,649, with payments to be made in annual installments for James City County's portion of the costs of the acquisition of the equipment.

BE IT STILL FURTHER RESOLVED that the County's obligation to pay rent under the lease-purchase agreement is designated as a "qualified tax-exempt obligation" in accordance with Section 265(b)(3) of the Internal Revenue Code of 1987, as amended.

On roll call the vote was:

Yea: (3) Burgett, Noll, Shepperd
Nay: (0)

CLOSED MEETING. At 7:43 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.2-3711(a)(7) for consultation with legal counsel pertaining to actual litigation.

On roll call the vote was:

Yea: (3) Noll, Burgett, Shepperd
Nay: (0)

Meeting Reconvened. At 7:55 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

December 7, 2004

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of December, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (3) Burgett, Noll, Shepperd
Nay: (0)

PUBLIC HEARINGS

TAX EXEMPTION: ANGIOMA ALLIANCE

Mr. McReynolds noted that both public hearings were for tax exemption requests, but those adopted in past, and as is the case with the second public hearing, were for homeowners' associations, or organizations like homeowners' associations. He stated the first request is from an organization that is charitable and not for profit, and he asked the Board to recognize that its approval might be setting a precedent to approve far more than it might wish to do. The homeowners associations provide services that the County would otherwise be looked to for providing, such as recreational activities. He stated the organization under consideration, while very worthy, is not of that nature.

Mrs. Carol White, Director of Financial and Management Services, made a presentation on proposed Ordinance No. 04-28 provided for the Board's consideration in granting an exemption from real and personal property taxation to Angioma Alliance.

Mr. Barnett explained the types of exemptions allowed and noted this exemption procedure used to be done by the General Assembly, and it has passed it on to the local governments. He explained the different types of organizations that would fit under the statute, by designation or classification.

Chairman Shepperd stated he did not understanding the far-reaching ramifications.

Mr. Burgett indicated it is a young organization and currently does not own any property. He stated the tax exemption cannot be taken back, so if they grow to have \$1 million worth of equipment, the County will lose tax dollars on that equipment.

Mrs. Noll stated the organization meets the requirements.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 04-28 that was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PER-
SONAL PROPERTY TAXATION PURSUANT TO CODE OF

VIRGINIA SECTION 58.1-3651 TO ANGIOMA ALLIANCE, A VIRGINIA NON-PROFIT CORPORATION

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mrs. Noll stated it is a charitable organization that has made its points very clearly, and she felt it should be approved.

Mr. Burgett stated he did not know enough about this, and he would like to know what the future will hold.

Chairman Shepperd indicated there were two issues, that of the request and that of whether or not the Board approves the request, and if so, is the Board opening itself up for other things. Mr. Shepperd stated he did not know if it would make a difference to him because the issue for him is if it is some other kind of non-profit organization that has no direct benefit to the taxpayer. He stated it should be decided on a case-by-case basis depending on the organization's impact to the County and as long as the Board is not arbitrary and capricious. Mr. Shepperd stated he felt it was in the best interest of the community to support this request.

Mrs. Noll moved the adoption of proposed Ordinance No. 04-28 that reads:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO ANGIOMA ALLIANCE, A VIRGINIA NON-PROFIT CORPORATION

WHEREAS, Angioma Alliance has forwarded to the Board a request for real and personal property tax exemption; and

WHEREAS, §58.1-3651 of the Code of Virginia addresses such exemptions and requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting an ordinance supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in §58.1-3651(B) of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 7th day of December, 2004, that Angioma Alliance shall be exempt from real and personal property taxation by designation effective January 1, 2004;

BE IT FURTHER ORDAINED that it is recommended that the property of the Angioma Alliance be classified as property used for charitable and benevolent purposes in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3651;

BE IT STILL FURTHER ORDAINED that continuance of the property tax exemption shall be contingent on the continued use of the properties for charitable and benevolent purposes in accordance with the purpose for which the exemption is granted;

BE IT STILL FURTHER ORDAINED that property taxes assessed to and paid by the Angioma Alliance during 2004 in the amount of \$37.80 be abated and refunded.

On roll call the vote was:

Yea: (3) Noll, Burgett, Shepperd
Nay: (0)

TAX EXEMPTION: WINDY POINT RECREATION ASSOCIATION

December 7, 2004

Mrs. White made a presentation on proposed Ordinance No. 04-30 provided to the Board for consideration in granting an exemption from real and personal property taxation to the Windy Point Recreation Association.

Chairman Shepperd called to order a public hearing on proposed Ordinance No. 04-30 that was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO WINDY POINT RECREATION ASSOCIATION, INC., A VIRGINIA NON-PROFIT CORPORATION

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Chairman Shepperd stated this application was consistent with other approvals for homeowners associations and similar organizations.

Mr. Burgett stated he would support the application.

Mrs. Noll noted her opposition to the request, stating she has always been against these applications because they are membership organizations.

Mr. Burgett moved the adoption of proposed Ordinance No. 04-30 that reads:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO WINDY POINT RECREATION ASSOCIATION, INC., A VIRGINIA NON-PROFIT CORPORATION

WHEREAS, the Windy Point Recreation Association, Inc. has forwarded to the Board a request for real and personal property tax exemption; and

WHEREAS, §58.1-3651 of the Code of Virginia addresses such exemptions and requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting an ordinance supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in §58.1-3651(B) of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 7th day of December, 2004, that Windy Point Recreation Association, Inc. shall be exempt from real and personal property taxation by designation effective January 1, 2004;

BE IT FURTHER ORDAINED that it is recommended that the property of the Edgehill Association be classified as property used for public park and playground activities in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3651;

BE IT STILL FURTHER ORDAINED that continuance of the property tax exemption shall be contingent on the continued use of the properties for public park and playground activities in accordance with the purpose for which the exemption is granted;

BE IT STILL FURTHER ORDAINED that property taxes assessed to and paid by the Windy Point Recreation Association, Inc. during 2004 the amount of \$1,791.14 be abated and refunded.

On roll call the vote was:

Yea:	(2)	Burgett, Shepperd
Nay:	(1)	Noll

Meeting Adjourned. At 8:21 p.m. Chairman Shepperd declared the meeting adjourned to 6:00 p.m., Tuesday, December 14, 2004, in the Gallery, York Hall, for the purpose of holding a reception for the Chairmen and York County representatives to boards and commissions appointed to by the Board of Supervisors.

James O. McReynolds, Clerk
York County Board of Supervisors

Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors